

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD RICHARDSON,

Plaintiff,

PRE TRIAL ORDER

-against-

07 CIV. 7198 (LAK) (MHD)

NEW YORK CITY; NEW YORK CITY
LIRR POLICE COMMAND DISTRICT #4;
ALL JOHN DOE OFFICERS; JOHN DOE
TOUR COMMAND; OFFICER FUENES,
TAXID 086729; AND OFFICER
SGT. SMITH;

Defendants.

-----X

I. Trial Counsel

Richard Richardson , Plaintiff Pro Se, 1416 Brooklyn Avenue, Apt. 1A, Brooklyn,
New York 11210. Telephone No.: 347.742.1445.

Edward G. Lukoski, Esq., Lewis Johns Avallone Aviles, LLP., 21 East Second
Street, Riverhead, New York 11901. Telephone No.: 631.369.7600, Fax No.: 631.369.
7680.

II. Subject Matter Jurisdiction

The parties do not contest that the Court has subject matter jurisdiction of the
controversy.

III Claims and Defenses

- (A) **Plaintiff's claims.** The plaintiff claims that on June 26, 2007 at
approximately 5:00 a.m. he bought an orange soda from the Hudson

Newstand at Penn Station, lower level, between 7th and 8th Avenue, 33rd and 34th Street. Plaintiff claims that he was accused of not paying for the soda by the delicatessen/bagel shop also located in the same area as the Hudson Newstand. He claims he was then accused by a male worker at the Hot Crusty shop and the MTA Police District #4 detained for the plaintiff for no reason and gave a summons number 4217356225 for disorderly conduct. No one from the MTA Police showed up at the Court date on August 28, 2007.

(B) Defendants' Claims. The MTA defendants claim that on June 26, 2007, the manager of Hot and Crusty, Canala Katililu notified MTA Police Officer Fuentes that plaintiff was acting in a disorderly manner. MTA Police Officer Fuentes brought the plaintiff to the Police Station in Penn Station and, after investigation, issued a disorderly conduct summons returnable in Manhattan Criminal Court on August 29, 2007.

The MTA defendants claim they acted with probable cause for the arrest pursuant to New York State Penal Law §240.20 and did not utilize any excessive force.

- IV The plaintiff requests a jury trial and further requests four trial days.
- V The parties have consented to a trial by Magistrate Judge Dolinger.
- VI The parties have not reached any stipulations or agreed statements of fact or law.
- VII Plaintiff's witnesses: (1) Richard Richardson (2) a female employee from the Hudson Newstand (last name Muntaz)

Defendants' witnesses: (1) MTA Police Officer Fuentes (2) Canala Katililu

All witnesses will testify in person.

VIII Neither party will offer any deposition testimony in its case in chief.

IX Exhibits

(a) Plaintiff's Exhibits. None listed.

(b) Defendants' Exhibits. MTA Police Department Incident Report 07-AA43

(2 pages) dated September 27, 2007.** NOTE Co-defendant City of New

York settled with the plaintiff for \$500.00 on or about April 10, 2008.

NOTE: Annexed hereto identified as Exhibit "A" is the two page submission of plaintiff pro se mailed to defense counsel which was utilized in formulating this joint Pre-Trial Order.

Dated: Riverhead, New York
May 29, 2008

Magistrate Judge Michael H. Dolinger

5/30/08

Richard Richardson, Plaintiff Pro Se

Edward G. Lukoski (EL-7845)

LEWIS JOHS AVALLONE AVILES, LLP

Attorneys for Defendants

NEW YORK CITY LIRR POLICE COMMAND

DISTRICT #4, ALL JOHN DOE OFFICERS, JOHN DOE

TOUR COMMAND, OFFICER FUENES, TAX ID 086729

AND OFFICER SGT. SMITH

21 East Second Street

Riverhead, New York 11901

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07 CIV 7198 (LAK MKD) 5/15/08

Plaintiff - Richard Richardson

Hon. Michael H. Dolinger 1416 Brooklyn Avenue
United States Magistrate Brooklyn, New York
Judge #1A 11210

United States District Court
Southern District of New York
500 Pearl Street, Room 1670
New York, New York

10007-1312

#1 Brief Summary of Claim
On June 26th 2007 at approximately 0500am
Plaintiff Richard Richardson Bought
Orange Soda from the Hudson news Stand #34B
Penn Station lower level Between 7th & 8th Ave
33rd & 34th Street. Plaintiff was accuse
of not paying for the Soda by the
Caretaker Basle Shop also located in
same area as Hudson news Stand and then
also accuse by an male worker at the
hot crusty Shop and the MTA Police
District #11 was detain for no reason
by MTA Police and given Summons
#4217356225 for Disorderly Conduct
Boisjrow 7 Court Date 8/28/07. No one
from MTA Police Show up at all.

#2 Firm name = Richard Richardson POSE
Phone # 347) 742-1445

#3 met with an JUDGE

#4 NEED ONE WEEKS for trial on 4 days

#5 witnesses - From Hudson news Stand #34B
Female clerk (Mumtaz Taha)

PART 2 CONT'D
07 - CIV - 7198 LAR MHD

Plaintiff - Richard Richardson

SKIN approx - 5'9 160 pounds -

Respectfully Submitted

Richard Richardson

5/15/08

Edward G Lukoski

Lewis John Avallone Avallone LLP

21 East Second Street Riverhead

NY

11901